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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,150	10/16/2003	Christopher M. Ramstad		8219

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A.C. Designs
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EXAMINER

HSU, RYAN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,150	Applicant(s) RAMSTAD ET AL.	
	Examiner Ryan Hsu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner notes that independent claim 1 is directed towards playing a video poker game and claim 3 is directed towards the implementation of a bonus game. Examiner notes that though an election in species exists it are not required at this time however may be necessary at a later time.

Claim Objections

Claims 4 and 7-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim generally is a dependent claim which refers back in the alternative to more than one preceding independent or dependent claim. The second paragraph of 35 U.S.C. 112 has been revised in view of the multiple dependent claim practice introduced by the Patent Cooperation Treaty. Thus 35 U.S.C. 112 authorizes multiple dependent claims in applications filed on and after January 24, 1978, as long as they are in the alternative form (e.g., "A machine according to claims 3 or 4, further comprising ---"). Cumulative claiming (e.g., "A machine according to claims 3 and 4, further comprising ---") is not permitted. See MPEP § 608.01(n). Accordingly, the claims 4 and its dependents 7-8 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4, 6, and 8 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The structure that makes up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Moody et al. (US 6,419,578 B1).

Regarding claim 1, Moody et al. disclose a method of playing a video poker game including the following: (a) providing a pay schedule to a player used to award winnings (*see col. 2: ln 6-10*); (b) allowing the player to make a wager to participate in the play of the game (*see abstract*); (c) displaying an initial hand of random cards to a player (*see display [20] of Fig. 1 and the related description thereof*); (d) allowing the player to discard any unwanted cards, if any, and dealing replacement cards for the discarded cards so that a final hand is established (*see col. 4: ln 14-24*); (e) determining whether the final hand is a winning or losing hand (*see Pay Table 1, col. 4: ln 30-45, machine only pays upon the following results*); (f) paying the player a

pre-established amount based on the amount of the wager and the pay schedule is the final hand is a winning hand (*see Table 1: col. 4: ln 30-47*).

Regarding claim 3, Moody et al. disclose a method of defining a bonus cycle including the steps of: (a) defining the start of a bonus cycle when the first wager is made and no bonus cycle is currently active (*see col. 12: ln 40-67*); (b) selecting a set of random bonus items at the beginning of the bonus cycle (*see col. 12: ln 40-67*); (c) displaying these bonus items to all participating in the bonus cycle (*see col. 12: ln 40-67*); (d) determining if any player has satisfied the conditions to end the bonus cycle (*see col. 13: ln 1-col. 14: ln 26*); (e) if conditions have been met, ending the bonus cycle.

Regarding claim 5, Moody et al. disclose a method in which the bonus items are represented as a secondary hand of cards (*see bonus round, Figs. 5-7 and the related description thereof*).

Regarding claim 6, Moody et al. disclose a method in which the bonus items are represented as five numbered items. Moody also discloses that the set of numbers from which the value of the bonus items are assigned is also used to assign a unique numerical value to each card (*see cards [430, 440, 450] of Fig. 9 and the related description thereof*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody et al. as applied to claims above, and further in view of Wood et al. (US 2002/0034974 A1).

Regarding claim 2, Moody et al. disclose a method of playing a video poker game which includes the steps of: (a) providing a bonus pay schedule to the player used to award bonus winnings (*see col. 11: ln 52-65*); (b) displaying random bonus items to the player when the initial hand is displayed (*see col. 12: ln 40-67*); (d) paying the player a pre-established amount based on the amount of the wager and the bonus pay schedule (*see col. 11: ln 52-65*). However, Moody is silent with regard to comparing the final hand to the bonus items to determine a bonus award prize.

In a related patent application, Wood et al. teaches a method of playing a video poker game method where the players bonus award is determined based on matching designated hands. The bonus elements as taught in Wood are designated to the player and if the player matches the designated card then a bonus award will be given to the player (*see designated matching cards [60] and poker hand [20] of Fig 1. and the related description thereof*). One would be motivated to incorporate this feature taught by Wood in order to increase the player appeal by adding an additional element in to the basic video poker game. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moody to include the matching feature of Wood to add an additional element in the bonus award.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perrie et al. (US 6,173,955 B1)- Poker Dice Casino Game Method of Play.

Marks et al. (US 6,875,957 B2) – Poker Game With 2 Reward Cards That Adjust Paytable.

Yoseloff (US 6,227,969 B1)- Match Symbol Side Bet Game.

Hachquet (US 6,050,568 A) – Method of Playing Double Draw Royal Video Poker.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached at (571)-272-4438.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

April 14, 2006

